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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,995	07/10/2003	Toshikazu Ohnishi	03500.010106.5	1214
5514	7590	08/24/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WILLIAMS, JOSEPH L	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/615,995	OHNISHI ET AL.	
	Examiner	Art Unit	
	Joseph L. Williams	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 July 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 48-53 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 08/264,497.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/04 & 7/27/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 26 July 2004 has been entered.

Specification

2. The disclosure is objected to because of the following informalities: On page 7, paragraph 34, the phrase "16E through 16H" should be "16A through 16D" to be consistent with the figures. Please also be advised that there are no figures 16E-16H on the drawing sheets.

Appropriate correction is required.

Allowable Subject Matter

3. Claims 48-53 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 48, the prior art of record neither shows nor suggest a method of manufacturing an electron-emitting device comprised of, in part, a deposit containing carbon as a principal constituent by connecting the deposit to the

electro-conductive film, wherein the deposit is formed so that a gap narrower than the fissure is formed within the fissure, along with the other limitations of the claim.

Regarding independent claim 49, the prior art of record neither shows nor suggest a method of manufacturing an electron-emitting device comprised of, in part, a deposit containing a material different from the electro-conductive material, as a principal constituent by connecting the deposit to the electro-conductive film, wherein the deposit is formed so that a gap narrower than the fissure is formed within the fissure, along with the other limitations of the claim.

Regarding independent claim 50, the prior art of record neither shows nor suggest a method of manufacturing an electron-emitting device comprised of, in part, a film containing carbon as a principal constituent by connecting the film to the at least one of the electro-conductive films, wherein the film containing carbon is formed so that a second gap narrower than the first gap is formed within the first gap, along with the other limitations of the claim.

Regarding independent claim 51, the prior art of record neither shows nor suggest a method of manufacturing an electron-emitting device comprised of, in part, a film containing a material different from the electro-conductive material, as a principal constituent by connecting the film to the at least one of the electro-conductive films, wherein the film containing the material different from the electro-conductive material is

formed so that a second gap narrower than the first gap is formed within the first gap, along with the other limitations of the claim.

Regarding independent claim 52, the prior art of record neither shows nor suggest a method of manufacturing an electron-emitting device comprised of, in part, a film containing carbon as a principal constituent by connecting the film to the electro-conductive films, wherein the film containing carbon as the principal constituent is formed so that a second gap narrower than the first gap is formed within the first gap, along with the other limitations of the claim.

Regarding independent claim 53, the prior art of record neither shows nor suggest a method of manufacturing an electron-emitting device comprised of, in part, a film containing a material different from the electro-conductive material, as a principal constituent by connecting the film to the electro-conductive films, wherein the film containing the material different from the electro-conductive material is formed so that a second gap narrower than the first gap is formed within the first gap, along with the other limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

This application is in condition for allowance except for the following formal matters:

Please refer to the above Action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph L. Williams
Primary Examiner
Art Unit 2879